

FILED

October 08, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

NM

DEPUTY

DAMON L. HERRIN, INDIVIDUALLY, AND AS CO-INDEPENDENT EXECUTOR OF THE ESTATE OF BARBARA A. HERRIN, DECEASED,

Plaintiff,

v.

**MSR ASSET VEHICLE LLC and
PHH MORTGAGE CORPORATION,**

Defendants.

CIVIL NO. SA-23-CV-00985-OLG

ORDER

The Court has considered United States Magistrate Judge Richard B. Farrer's Report and Recommendation (R&R), filed September 13, 2024, concerning the status of this case. (See R&R, Dkt. No. 29.)

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). Defendants, through counsel, were electronically served with a copy of the R&R on September 16, 2024. A copy of the R&R was mailed to Plaintiff via certified mail that same day (*see* Dkt. No. 30) and returned as undeliverable on September 23, 2024 (*see* Dkt. No. 31). To date, no objections have been filed.

Because no party has objected to the Magistrate Judge’s findings or recommendations, the Court reviews the R&R for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *cf.* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which an

objection is made.”) After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law.

Accordingly, the Court **ACCEPTS** the Magistrate Judge’s R&R and, for the reasons set forth therein, this case is **DISMISSED** for want of prosecution and for failure to comply with a court order. *See* FED. R. CIV. P. 41(b).

All other pending motions are **DISMISSED AS MOOT**.

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 8th day of October, 2024.



ORLANDO L. GARCIA
United States District Judge